

## TROY LAW, PLLC

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November 11, 2022

**VIA ECF**

Hon. Marcia H. Henry, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 504 North  
Brooklyn, NY 11201

Chief Judge Margo K. Brodie, U.S.D.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 6F  
Brooklyn, NY 11201

**Re: Plaintiff's Mediation Status Report, Motion to Extend Time to Complete Mediation,  
and Letter regarding Status of Dispositive Motion and  
Motion for Conditional Collective Certification**  
1:19-cv-4745 (HG) (MMH) *Soto v. Miss Laser Inc., et al.*

Dear Honorable Judge Henry:

This office represents the Plaintiff in the above referenced matter. We write respectfully to report that this morning, Defendants' counsel emailed both the mediator and the undersigned that the mediation scheduled for today at noon may be adjourned because he "woke up with a fever today." After several phone calls and emails, Defendants confirmed that the mediation is canceled as of 11:18 a.m. because their clients would prefer to adjourn.

As a result, the mediation will need to be rescheduled. We respectfully request till December 31, 2022 for the completion of discovery and to complete mediation. Said extension is reasonable in light of both counsels' booked calendars and would not prejudice either party and will enable the parties to attempt to settle in good faith.

Should Defendants once again cancel the mediation for any reason, we respectfully request that the mediation requirement be waived, as our client has taken time off to attend the mediation only to have the Defendants cancel last minute for the second time in a row.

Hon. Marcia H. Henry

July 13, 2022

*1:19-cv-04745 (HG)(MHM) Soto v. Miss Laser Inc et al.*

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In addition, the parties' motions are also awaiting the Judge's decision: specifically, previously, the Court has held Plaintiff's Motion for Conditional Collective Class certification in abeyance pending the ruling on the Defendants' Motion to Dismiss, which was fully briefed as of July 22, 2022, *see* Docket Entry No. 50; *see* Court Order dated Feb. 19, 2021 (The Court defers its ruling on Plaintiff's partially briefed motion to certify collective action in view of the Court's adjournment of Defendants' deadline to oppose Plaintiff's motion to certify collective action sine dine pending a yet to be briefed judgment on the pleadings after the Court decides Plaintiff's motion to amend the complaint.). Thus, Plaintiff respectfully requests for the court to rule on the dispositive motion and the motion for conditional collective action at its earliest convenience should the mediation not be fruitful.

We thank the Court for its attention and consideration in this matter.

Respectfully Submitted,

/s/ John Troy  
John Troy

cc: all Counsel of record VIA ECF  
*JT/mh*